

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN SANFT,

Defendant.

NO. 2:19-cr-00258-RAJ

ORDER CONTINUING TRIAL DATE

This matter came before the Court on the parties' Agreed Motion to Continue Trial Date (Dkt. # 64). The Court finds and rules as follows:

1. On December 17, 2019, the grand jury charged John Sanft and co-defendants Louie Sanft and Seattle Barrel Company with conspiracy, violations of the Clean Water Act, and making false statements. Defendants were arraigned on January 9, 2020. On February 2, 2020, on a joint motion of the parties, the Court continued the trial to October 19, 2020. On August 10, 2020, because of conditions resulting from the pandemic, the Court granted a joint motion to continue the trial to June 27, 2021. On February 19, 2021, again because of the pandemic, the Court granted a joint motion to continue the trial to November 1, 2020.

2. On June 1, 2021, defendant Louie Sanft moved to sever the trials of Louie Sanft and John Sanft. John Sanft joined the motion, arguing that a joint trial would result

1 in the introduction of evidence that would be unfairly prejudicial to him. On August 4,  
 2 2021, the Court granted the motion and ordered the trials severed. All parties are in  
 3 agreement that the trial of Louie Sanft and Seattle Barrel should precede the trial of John  
 4 Sanft.

5 3. To accommodate the Court's trial schedule, the Court has adjusted the trial  
 6 date of Louie Sanft and Seattle Barrel to November 30, 2021. Given John Sanft's  
 7 continued belief that the trials should be severed, and the parties' agreement that John  
 8 Sanft should be tried after Louie Sanft and Seattle Barrel, the parties agree, and the Court  
 9 hereby finds, that the ends of justice require a continuance of John Sanft's trial to a date  
 10 after November 30, 2021. *See United States v. Vega*, 860 F.2d 779, 786 (7th Cir. 1988)  
 11 (severance "may serve the ends of justice as well as result in some delay," especially in a  
 12 "complex, multi-defendant trial").

13 4. The next date on which counsel for both parties and the Court are available  
 14 for trial is March 28, 2022. The parties agree, and the Court hereby finds, that a delay to  
 15 this date is necessary to achieve the ends of justice served by the Court's severance order,  
 16 as well as to allow for continuity of counsel and to allow adequate time for trial  
 17 preparation following the trial of Louie Sanft and Seattle Barrel.

18 18 U.S.C. 18 § 3161(h)(7)(B)(iv). Accordingly, the parties submit that the ends of  
 19 justice served by granting this continuance outweigh the best interests of the public and  
 20 the defendant in a speedy trial. The parties further agree that the period of time  
 21 between the date of this this Order and March 28, 2022, is excludable time within the  
 22 meaning of Title 18, United States Code, Section 3161(h)(1)(F) and (h)(8)(A).

23 5. The COURT FINDS that the ends of justice will best be served by a  
 24 continuance and outweigh the best interests of the public and the defendant in a speedy  
 25 trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

26 6. The COURT FINDS that the failure to grant such a continuance in this case  
 27 would likely result in a miscarriage of justice because of interests in severance outlined in  
 28 the Court's severance order, and because failure to order the continuance would deny the

1 defendant and the government continuity of counsel and adequate time to prepare for trial  
2 following the trial of Louie Sanft and Seattle Barrel. 18 U.S.C. § 3161(h)(7)(B)(i) and  
3 (iv); and

4 7. The COURT FINDS that pursuant to 18 U.S.C. § 3161(h)(7)(A) and  
5 (h)(7)(B)(iv), the period of delay is reasonable.

6 Based on these findings it is ORDERED that the period of delay from the date of  
7 this Order through March 28, 2022, is excludable time pursuant to Title 18, United States  
8 Code, Section 3161 et seq., for purposes of computation of the time limitations imposed  
9 by the Speedy Trial Act, Title 18, United States Code, Sections 3161 through 3164. Trial  
10 of this matter is hereby continued to March 28, 2022. The parties shall file motions *in*  
11 *limine* no later than February 4, 2022.

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13 DATED this 22nd day of September, 2021.

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16 The Honorable Richard A. Jones  
17 United States District Judge  
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